

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:17-cv-09833-SDW-LDW**

MACVEST GROUP INC. v. UNITED STATES OF AMERICA et al  
Assigned to: Judge Susan D. Wigenton  
Referred to: Magistrate Judge Leda D. Wettre  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/27/2017  
Date Terminated: 06/03/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MACVEST GROUP INC.**

represented by **FRANK AGOSTINO**  
Agostino & Associates, PC  
14 WASHINGTON PLACE  
HACKENSACK, NJ 07601  
(201) 488-5400  
Email: fagostino@agostinolaw.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES OF AMERICA**  
*TERMINATED: 01/16/2018*

represented by **NELSON DIETRICH WAGNER**  
U.S. DEPARTMENT OF JUSTICE  
P.O. BOX 227  
BEN FRANKLIN STATION  
WASHINGTON, DC 20044  
202-307-6426  
Email: nelson.wagner@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DEPARTMENT OF TREASURY**  
*TERMINATED: 01/16/2018*

represented by **NELSON DIETRICH WAGNER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**INTERNAL REVENUE SERVICE**

represented by **NELSON DIETRICH WAGNER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**BRIAN KNAUS**  
*IN HIS CAPACITY AS REVENUE AGENT OF  
INTERNAL REVENUE SERVICE  
TERMINATED: 01/16/2018*

represented by **NELSON DIETRICH WAGNER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**STEVEN TERNER MNUCHIN**  
*IN HIS CAPACITY AS THE SECRETARY OF  
THE TREASURY  
TERMINATED: 01/16/2018*

represented by **NELSON DIETRICH WAGNER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**RUDOLPH SCHUELE**  
**IN HIS CAPACITY AS REVENUE AGENT FOR**  
**INTERNAL REVENUE SERVICE**  
**TERMINATED: 01/16/2018**

represented by **NELSON DIETRICH WAGNER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/27/2017	<a href="#">1</a>	COMPLAINT against DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE, BRIAN KNAUS, STEVEN TERNER MNUCHIN, RUDOLPH SCHUELE, UNITED STATES ( Filing and Admin fee \$ 400 receipt number 0312-8200363), filed by MACVEST GROUP INC.. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(AGOSTINO, FRANK) (Entered: 10/27/2017)
10/27/2017	<a href="#">2</a>	Corporate Disclosure Statement by MACVEST GROUP INC. identifying THE MICHELE AND AGNESE CESTONE FOUNDATION as Corporate Parent.. (AGOSTINO, FRANK) (Entered: 10/27/2017)
10/27/2017		Case Assigned to Judge Susan D. Wigenton and Magistrate Judge Leda D. Wettre. (ak, ) (Entered: 10/30/2017)
11/03/2017	<a href="#">3</a>	SUMMONS ISSUED as to DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE, BRIAN KNAUS, STEVEN TERNER MNUCHIN, RUDOLPH SCHUELE, UNITED STATES OF AMERICA Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *SHEREE RAIMO* (sr, ) (Entered: 11/03/2017)
11/16/2017	<a href="#">4</a>	MOTION for Extension of Time to File Answer ( <i>Pursuant to Local Rule 6.1</i> ) by All Defendants. (WAGNER, NELSON) (Entered: 11/16/2017)
11/17/2017		Clerk's Text Order - The <a href="#">4</a> Clerk's Extension of Time to Respond to the Complaint filed by INTERNAL REVENUE SERVICE, RUDOLPH SCHUELE, UNITED STATES OF AMERICA, STEVEN TERNER MNUCHIN, DEPARTMENT OF TREASURY, BRIAN KNAUS submitted by STEVEN TERNER MNUCHIN, INTERNAL REVENUE SERVICE, DEPARTMENT OF TREASURY, RUDOLPH SCHUELE, UNITED STATES OF AMERICA, BRIAN KNAUS has been GRANTED. The answer due date has been set for 12/22/17. (sr, ) (Entered: 11/17/2017)
12/21/2017	<a href="#">5</a>	MOTION to Dismiss <i>Counts II through IV and All Defendants Except the Internal Revenue Service</i> by All Defendants. Responses due by 1/2/2018 (Attachments: # <a href="#">1</a> Brief, # <a href="#">2</a> Text of Proposed Order) (WAGNER, NELSON) (Entered: 12/21/2017)
12/21/2017	<a href="#">6</a>	ANSWER to Complaint ( <i>Count I Only</i> ) by All Defendants.(WAGNER, NELSON) (Entered: 12/21/2017)
12/27/2017		Set/Reset Deadlines as to <a href="#">5</a> MOTION to Dismiss <i>Counts II through IV and All Defendants Except the Internal Revenue Service</i> . Motion set for 1/16/2018 before Judge Susan D. Wigenton. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld, ) (Entered: 12/27/2017)
01/02/2018	<a href="#">7</a>	AFFIDAVIT in Opposition filed by MACVEST GROUP INC. re <a href="#">5</a> MOTION to Dismiss <i>Counts II through IV and All Defendants Except the Internal Revenue Service</i> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(AGOSTINO, FRANK) (Entered: 01/02/2018)
01/02/2018	<a href="#">8</a>	BRIEF in Opposition filed by MACVEST GROUP INC. re <a href="#">5</a> MOTION to Dismiss <i>Counts II through IV and All Defendants Except the Internal Revenue Service</i> (AGOSTINO, FRANK) (Entered: 01/02/2018)
01/09/2018	<a href="#">9</a>	REPLY BRIEF to Opposition to Motion filed by All Defendants re <a href="#">5</a> MOTION to Dismiss <i>Counts II through IV and All Defendants Except the Internal Revenue Service</i> (WAGNER, NELSON) (Entered: 01/09/2018)
01/16/2018	<a href="#">10</a>	LETTER OPINION, etc. Signed by Judge Susan D. Wigenton on 1/16/2018. (JB, ) (Entered: 01/16/2018)
01/16/2018	<a href="#">11</a>	ORDER Granting <a href="#">5</a> MOTION to Dismiss Counts II through IV and All Defendants Except the Internal Revenue Service by All Defendants. It is further Ordered that Defendants United States of America, the Department of the treasury, Mnuchin, Knaus and Schuele are also dismissed from this action and it is further Ordered that Count One of the Complaint may proceed against IRS only. Signed by Judge Susan D. Wigenton on 1/16/2018. (JB, ) (Entered: 01/16/2018)

01/17/2018	<a href="#">12</a>	LETTER ORDER - A Scheduling Conference is set for 3/7/2018 at 11:00 AM in Newark - Courtroom 3C before Magistrate Judge Leda D. Wettre.Signed by Magistrate Judge Leda D. Wettre on 1/17/2018. (kd) (Entered: 01/17/2018)
03/01/2018	<a href="#">13</a>	Joint MOTION to Stay <i>Case Deadlines Pending Completion of FOIA Disclosures</i> by INTERNAL REVENUE SERVICE. (Attachments: # <a href="#">1</a> Brief, # <a href="#">2</a> Text of Proposed Order)(WAGNER, NELSON) (Entered: 03/01/2018)
03/02/2018		Set/Reset Deadlines as to <a href="#">13</a> Joint MOTION to Stay <i>Case Deadlines Pending Completion of FOIA Disclosures</i> . Motion set for 4/2/2018 before Judge Susan D. Wigenton. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (ld, ) (Entered: 03/02/2018)
03/05/2018	<a href="#">15</a>	ORDER granting <a href="#">13</a> Motion to Stay; that this case is stayed through May 31, 2018. A telephonic status conference shall take place before the undersigned on June 6, 2018, at 3:30 p.m.. Signed by Magistrate Judge Leda D. Wettre on 3/5/2018. (ld, ) (Entered: 03/06/2018)
03/06/2018	14	TEXT ORDER In view of the joint stay motion, the Rule 16 conference scheduled for March 7, 2018 is adjourned sine die. So Ordered by Magistrate Judge Leda D. Wettre on 3/6/18. (Wettre, Leda) (Entered: 03/06/2018)
06/01/2018	<a href="#">16</a>	STATUS REPORT ( <i>Joint</i> ) by INTERNAL REVENUE SERVICE. (WAGNER, NELSON) (Entered: 06/01/2018)
06/06/2018	17	TEXT ORDER - Rescheduling a Telephone Conference from 6/6/2018 to 6/13/2018 at 11:30 am before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574.So Ordered by Magistrate Judge Leda D. Wettre on 6/6/2018. (kd) (Entered: 06/06/2018)
06/13/2018		Minute Entry for proceedings held before Magistrate Judge Leda D. Wettre: Telephone Conference held on 6/13/2018. (kd) (Entered: 06/13/2018)
06/13/2018	18	TEXT ORDER - A Telephone Conference is set for 9/4/2018 at 4:00 pm before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574. If the Government will be seeking to file a Summary Judgment Motion, a letter seeking pre-motion leave shall be filed 1 week in advance of the telephone conference.So Ordered by Magistrate Judge Leda D. Wettre on 6/13/2018. (kd) (Entered: 06/13/2018)
08/28/2018	<a href="#">19</a>	Letter from Counsel for Internal Revenue Service Requesting Leave to File Motion for Summary Judgment. (WAGNER, NELSON) (Entered: 08/28/2018)
09/04/2018		Minute Entry for proceedings held before Magistrate Judge Leda D. Wettre: Telephone Conference held on 9/4/2018. (kd) (Entered: 09/04/2018)
09/10/2018	<a href="#">20</a>	Letter from Plaintiff. (AGOSTINO, FRANK) (Entered: 09/10/2018)
09/27/2018	21	TEXT ORDER - A Settlement Conference is set for 11/2/2018 at 11:00 am in Newark - Courtroom 3C before Magistrate Judge Leda D. Wettre. Clients with full settlement authority should be physically present. Confidential settlement letters, which shall not exceed ten (10) pages absent leave from the Court, shall be sent to LDW_orders@njdcourts.gov at least three business days prior to the conference. Voluminous exhibits to settlement letters (exceeding 20 pages) will not be reviewed by the Court unless submitted in hard copy that is received by Chambers no later than three business days in advance of the settlement conference.So Ordered by Magistrate Judge Leda D. Wettre on 9/27/2018. (kd) (Entered: 09/27/2018)
10/25/2018	<a href="#">22</a>	Letter from Defendant requesting consent relief from minute order re 21 Order,,. (WAGNER, NELSON) (Entered: 10/25/2018)
10/26/2018	<a href="#">23</a>	ORDER the Internal Revenue Service be excused from the requirements of having a representative with full and complete settlement authority attend the settlement conference on November 2, 2018; that they be allowed to send instead its trial attorney.. Signed by Magistrate Judge Leda D. Wettre on 10/26/2018. (ld, ) (Entered: 10/26/2018)
11/01/2018	<a href="#">24</a>	NOTICE by MACVEST GROUP INC. (AGOSTINO, FRANK) (Entered: 11/01/2018)

11/01/2018	25	TEXT ORDER - Per counsel's request, the settlement conference set for 11/2/2018 is adjourned. A Telephone Conference is set for 11/19/2018 at 12:00 pm before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574. So Ordered by Magistrate Judge Leda D. Wettre on 11/1/2018. (kd) (Entered: 11/01/2018)
11/02/2018	26	TEXT ORDER - A Telephone Conference is set for 11/27/2018 at 3:30 pm before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574. So Ordered by Magistrate Judge Leda D. Wettre on 11/2/2018. (kd) (Entered: 11/02/2018)
11/05/2018	27	TEXT ORDER - A Telephone Conference is set for 11/19/2018 at 12:00 pm before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574. Please disregard the conference set for 11/27/2018. So Ordered by Magistrate Judge Leda D. Wettre on 11/5/2018. (kd) (Entered: 11/05/2018)
11/19/2018		Minute Entry for proceedings held before Magistrate Judge Leda D. Wettre: Telephone Conference held on 11/19/2018. (kd) (Entered: 11/19/2018)
11/19/2018	<a href="#">28</a>	ORDER SETTING In-Person Settlement Conference for 2/4/2019 10:00 AM in Newark - Courtroom 3C before Magistrate Judge Leda D. Wettre. etc. Signed by Magistrate Judge Leda D. Wettre on 11/19/2018. (dam, ) (Entered: 11/19/2018)
01/29/2019	<a href="#">29</a>	Letter from Plaintiff's Counsel. (AGOSTINO, FRANK) (Entered: 01/29/2019)
01/31/2019	30	TEXT ORDER - Per counsel's request, the Settlement Conference set for 2/4/2019 to 3/25/2019 at 9:30 am in Newark - Courtroom 3C before Magistrate Judge Leda D. Wettre. So Ordered by Magistrate Judge Leda D. Wettre on 1/31/2019. (kd) (Entered: 01/31/2019)
02/19/2019	<a href="#">31</a>	Letter from IRS Renewing Request for Relief re <a href="#">28</a> Scheduling Order. (WAGNER, NELSON) (Entered: 02/19/2019)
02/25/2019	<a href="#">32</a>	ORDER that the IRS be excused from the requirements of having a representative with full and complete settlement authority attend the settlement conference; be allowed to send instead its trial attorney; and that in the event the trial attorney determines that an offer should be recommended for review, the trial attorney would be allowed to contact the Chief of the Civil Trial Section for the Eastern Region by telephone. Signed by Magistrate Judge Leda D. Wettre on 2/25/2019. (sm) Modified on 2/26/2019 (sm). (Entered: 02/25/2019)
03/19/2019	<a href="#">33</a>	Letter from Defendant Requesting One-Hour Delay of Settlement Conference re 30 Order. (WAGNER, NELSON) (Entered: 03/19/2019)
03/20/2019	<a href="#">34</a>	ORDER that the settlement conference currently scheduled for 9:30 a.m. on 3/25/2019 is delayed one hour until 10:30 a.m. Signed by Magistrate Judge Leda D. Wettre on 3/20/2019. (sm) (Entered: 03/20/2019)
03/25/2019		Minute Entry for proceedings held before Magistrate Judge Leda D. Wettre: Settlement Conference held on 3/25/2019. (kd) (Entered: 03/25/2019)
03/25/2019	35	TEXT ORDER - A Telephone Conference is set for 4/10/2019 at 2:00 pm before Magistrate Judge Leda D. Wettre. Once all parties are on the phone, please call Chambers at (973) 645-3574. So Ordered by Magistrate Judge Leda D. Wettre on 3/25/2019. (kd) (Entered: 03/25/2019)
04/04/2019	<a href="#">36</a>	Letter from Defendant with joint request to enter consent order. (Attachments: # <a href="#">1</a> Text of Proposed Order)(WAGNER, NELSON) (Entered: 04/04/2019)
04/05/2019	<a href="#">37</a>	CONSENT ORDER REGARDING FURTHER PROCEEDINGS that within 30 days of the date of the filing of this order, the IRS shall provide to Maevest Group, Inc. a supplemental of its unfiled declaration in support of its search for records responsive to the Freedom of Information Act request dated 2/20/2017, within 14 days of receiving the information described above, the Plaintiff shall file a letter stating any remaining issues that are directly related to the Service's search as described above; the telephonic conference call is set for 4/10/2019 at 2 p.m. is cancelled. The parties shall hold a status call with the undersigned magistrate judge on 6/3/2019 at 3:30 p.m., etc. Signed by Magistrate Judge Leda D. Wettre on 4/4/2019. (sm) (Entered: 04/05/2019)
06/03/2019		Minute Entry for proceedings held before Magistrate Judge Leda D. Wettre: Telephone Conference held on 6/3/2019. (kd) (Entered: 06/03/2019)
06/03/2019	<a href="#">38</a>	Order Administratively Terminating Action - 60 Day, Pending Consummation of Settlement. Administrative Termination deadline set for 8/2/2019. Signed by Magistrate Judge Leda D. Wettre on 6/3/2019. (sm) (Entered: 06/03/2019)

